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EXAMINER

EBIRIM, EMEKA

ART UNIT PAPER NUMBER

2166

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,433

Applicant(s)

KELLEY ET AL.

Examiner

Emeka Ebirim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 and 5-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Status

1. This communication is responsive to the Amendments filed on August 09, 2006. The application has been fully examined. Claims 3-4 have been cancelled. Claims 1-2 and 5-45 are rejected as detailed below and are pending in this Office Action.

Response to Arguments

Claim Rejections - 35 USC § 102

2. Applicant's arguments with respect to the claims 1-2, 5-10, 17, 18 and 25-44 of the present application have been fully considered but are not persuasive. The examiner respectfully traverses applicant's arguments.

With respect to claims 1, 25 and 31, Applicants' argue that "Shanahan does not teach or suggest scanning an active document for determining relevant key words"

In response to this argument, the Examiner respectfully submits that Shanahan discloses the claimed limitation as "program that provides new markup based on content and meta-data in a document in its current state. For example, the program may identify entities in a document, and annotate each entity with data associated to that entity (e.g., in a database). 'Entity' is used herein to mean something recognized in a document" [Para 0126, 0132]."

The applicant concludes that "Thus, the search for frequency of occurrence of an entity within a document is provided for the purposes of enabling a user to set limits on the number of annotations" is the only purpose of Shanahan's disclosure.

In response to this argument, the Examiner respectfully submits that the "limit" disclosed by Shanahan is only a variation of its embodiments [Para 0306].

For the above reasons, Examiner believed that rejection of the last Office action was proper. From the foregoing applicants have not met the requirements needed to traverse the rejections made to this application under 35 U.S.C. 102 (e). And as such rejections as applied to the last Office action are hereby sustained.

Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification.

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Reference is made to MPEP 2144.01 - Implicit Disclosure

"[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968)

Subsequent to an analysis of the claims it was revealed that a number of limitations recited in the claims belong in the prior art and thus encompassed and/or implicitly disclosed in the reference (s) applied and cited. It is logical for the examiner to focus on the limitations that are "crux of the invention" and not involve a lot of energy and time for the things that are not central to the invention, but peripheral. The examiner is aware of the duties to address each and every element of claims, however, it is also

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important that a person prosecuting a patent application before the Office or an stakeholders of patent granting process make effort to understand the level of one of ordinary skill in the (data processing) art or the level one of skilled in the (data processing) art, as encompassed by the applied and cited references. The administrative convenience derived from such cooperation between the attorneys and examiners benefits the Office as well the patentee.

Claim Rejections - 35 USC § 103

3. Applicant's arguments with respect to the claims 11-16, 19-24, and 45 of the present application have been fully considered but are not persuasive. The examiner respectfully traverses applicant's arguments.

From the foregoing applicants have not met the requirements needed to traverse the rejections made to this application under 35 U.S.C. 103 (a). And as such rejections as applied to the last Office action are hereby sustained.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 5-10, 17,18,25-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub No: 2003/0033288 to Shanahan et al (hereinafter Shanahan).

Claim 1.

Shanahan discloses:

A method for providing web-based electronic research and presentation functions via a document creation application, comprising:

scanning an active document on a computer device operable for identifying relevant keywords [retrieves information as the user works on the computer; identify entities (keywords), See Shanahan paragraphs 0008,0009, 0131];

searching at least one database for reference materials relating to said relevant keywords [associate each entity (keyword) with data from database, See Shanahan paragraph 0132, 0135];

automatically displaying relevant reference materials on said computer device [are displayed in a popup window; annotate document content depending on display screen, See Shanahan paragraph 0285, 0189, 0120, 0339, Fig 63];

converting said reference materials if said reference materials are in a different from a format used in creating said active document [synthesizing (converting) into format useful to the user; appropriate formatting; using the format of original document content, See Shanahan paragraph 0139; 0503; 0525] and

displaying said reference materials on said computer device [results are display in a window, paragraph 0219];

wherein said active document includes data currently being entered or edited by a user on said computer device [document service request while user works on document, See Shanahan paragraph 0138].

wherein further, said scanning an active document on a computer device operable for identifying relevant keywords is performed by an intelligent search agent, said method further including [intelligent agent, Shanahan paragraph 0007]:

scanning text of an active page for said active document for at least one of:

frequently appearing terms [terms appearing a number of times, See Shanahan paragraph 0307, 0255, Fig 21, 22, 28];

frequently appearing phrases [See Shanahan paragraph 0307, Fig 28]; and

specific terms requested by said user [user decided which term or entities to enrich, See Shanahan paragraph 0294, 0295, 0298];

determining relevance of found terms or phrases resulting from said scanning, said determining relevance of found terms or phrases based upon rules prescribed by said intelligent agent [entities recognized based on rules or varieties of technique; information can be filtered based on a Zapf's law; ranking, See Shanahan paragraph 0158 0319, 0320].

storing relevant results in a temporary storage location operable for performing said searching [See Shanahan paragraph 0180].

Claim 2.

Shanahan discloses the elements of claim 1 as above and further it discloses prompting said user to select all or a portion of said reference materials [user may be prompted to select from a displayed list of alternatives, or citations, See Shanahan paragraph 0340, 0463 line 8-10];
if selected, formatting said all or a portion of said reference materials [synthesizing (converting) into format useful to the user; appropriate formatting; using the format of original document content, See Shanahan paragraph 0139; 0503; 0525]; and
entering said all or a portion of said reference materials into said active document [See Shanahan paragraph 0340, 0342, 0344].

Claim 5.

Shanahan discloses the elements of claim 1 as above and further it discloses searching at least one database for said reference materials relating to said relevant keywords includes searching at least one of [See Shanahan paragraph 0013]:
a local database associated with said computer device [local database, See Shanahan paragraph 0450]; and
a remote database located in a network location external to said computer device [remote location, See Shanahan paragraph 0297, Fig 3].

Claim 6.

Shanahan discloses the elements of claim 1 as above and further it discloses displaying said reference materials on said computer device includes:

intermittently flashing text of said reference materials on a computer screen of said computer device [Blinking, See Shanahan paragraph 0173].

Claim 7.

Shanahan discloses the elements of claim 1 as above and further it discloses displaying said reference materials on said computer device includes at least one of: displaying a Uniform Resource Locator associated with said reference materials on a computer screen of said computer device [URL shown, See Shanahan paragraph 0179, Fig 10]; and displaying a Uniform Resource Locator with a preview pane associated with said reference materials on a computer screen of said computer device [URL shown, See Shanahan paragraph 0179, Fig 10].

Claim 8.

Shanahan discloses the elements of claim 1 as above and further it discloses displaying said reference materials on said computer device includes: displaying text of said reference materials on a computer screen of said computer device in response to a user highlighting a term or section of text within said active document [highlighting enrichment, See Shanahan paragraph 0318].

Claim 9.

Shanahan discloses the elements of claim 1 as above and further it discloses displaying said reference materials on said computer device includes performing at least one of:

displaying images of said reference materials on a computer screen of said computer device in response to a user highlighting a term or section of text within said active document [when a text(s) are selected (highlighted) window a appears, See Shanahan paragraph 0579];

displaying images in a preview pane of said reference materials on a computer screen of said computer device in response to a user highlighting a term or section of text within said active document [when a text(s) are selected (highlighted) window a appears, See Shanahan paragraph 0579, Fig 64,65].

Claim 10.

Shanahan discloses the elements of claim 1 as above and further it discloses displaying text of said reference materials on a projector screen via a presentation application executing on said computer device, said displaying text of said reference materials on a project screen performed in response to a user selecting said reference materials for display [display screen, Shanahan paragraph 0189]; wherein said projector screen is in communication with said computer device [display screen of a device, Shanahan paragraph 0189, 0205].

Claim 17.

Shanahan discloses the elements of claim 1 as above and further it discloses comprising integrating process software for providing said web-based electronic research and presentation functions via a document creation application, said integrating comprising [integration with application, Shanahan paragraph 0522]: determining if said process software will execute on at least one server [Shanahan paragraph 0590, 0593]; identifying an address of said at least one server [address, Shanahan paragraph 0226]; checking said at least one server for operating systems, applications, and version numbers for validation with said process software, and identifying any missing software applications for said at least one server that are required for integration [Shanahan paragraph 0590]; updating said at least one server with respect to any operating system and application that is not validated for said process software, and providing any of said missing software applications for said at least one server required for said integration [Shanahan paragraph 0590, 0226]; identifying client addresses and checking client computers for operating systems, applications, and version numbers for validation with said process software, and identifying any software applications missing from said client computers that are required for integration [Shanahan paragraph 0590, 0226]; updating said client computers with respect to any operating system and application that is not validated for said process software, and providing any missing software

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application for said client computers required for said integration Shanahan paragraph 0226]; and

installing said process software on said client computers and said at least one server [Shanahan paragraph 0198].

Claim 18.

Shanahan discloses the elements of claim 1 as above and further it discloses sharing of process software for providing said web-based electronic research and presentation functions via a document creation application, said on demand sharing comprising [Shanahan paragraph 0154]:

creating a transaction containing unique customer identification, requested service type, and service parameters[unique user identification number Shanahan paragraph 171]; sending said transaction to at least one main server[transmit, server Shanahan paragraph 0181];

querying said at least one main server about processing capacity associated with said at least one main server to help ensure availability of adequate resources for processing of said transaction [query, server Shanahan paragraph 0287]; and

allocating additional processing capacity when additional capacity appears needed to process said transaction, said additional processing capacity being selected from the group of additional capacities consisting of central processing unit capacity, processor memory capacity, network bandwidth capacity, and storage capacity [Shanahan paragraph 0588].

Claim 25.

Shanahan discloses:

A system for providing web-based electronic research and presentation functions via a document creation application, comprising:

a computer device in communication with at least one server over a communications network, said computer device executing [mobile device that communicates with the network; client server, See Shanahan paragraph 0198]:

a web browser application [web browser, Shanahan paragraph 0217]; and

at least one document creation application [Shanahan paragraph 0462];

a data repository in communication with said at least one server, said data repository storing reference materials [repository, Shanahan paragraph 0451];

a content generation system executing on the computer device, the content generation system performing a method, comprising [document content generated, Shanahan paragraph 0199]:

scanning an active document on a computer device operable for identifying relevant keywords [retrieves information as the user works on the computer; identify entities (keywords), See Shanahan paragraphs 0008,0009, 0131];

searching at least one database for reference materials relating to said relevant keywords [associate each entity (keyword) with data from database, See Shanahan paragraph 0132, 0135];

automatically displaying relevant reference materials on said computer device [are displayed in a popup window; annotate document content depending on display screen, See Shanahan paragraph 0285, 0189, 0120, 0339, Fig 63];

converting said reference materials if said reference materials are in a different from a format used in creating said active document [synthesizing (converting) into format useful to the user; appropriate formatting; using the format of original document content, See Shanahan paragraph 0139; 0503; 0525] and

displaying said reference materials on said computer device [results are display in a window, paragraph 0219];

wherein said active document includes data currently being entered or edited by a user on said computer device [document service request while user works on document, See Shanahan paragraph 0138].

wherein further, said scanning an active document on a computer device operable for identifying relevant keywords is performed by an intelligent search agent, said method further including [intelligent agent, Shanahan paragraph 0007]:

scanning text of an active page for said active document for at least one of:

frequently appearing terms [terms appearing a number of times, See Shanahan paragraph 0307, 0255, Fig 21, 22, 28];

frequently appearing phrases [See Shanahan paragraph 0307, Fig 28]; and

specific terms requested by said user [user decided which term or entities to enrich, See Shanahan paragraph 0294, 0295, 0298];

determining relevance of found terms or phrases resulting from said scanning, said determining relevance of found terms or phrases based upon rules prescribed by said intelligent agent [entities recognized based on rules or varieties of technique; information can be filtered based on a Zapf's law; ranking, See Shanahan paragraph 0158 0319, 0320].

storing relevant results in a temporary storage location operable for performing said searching [See Shanahan paragraph 0180].

Claim 26.

Shanahan discloses the elements of claim 25 as disclose and furthermore it disclose content generation system further performs:

prompting said user to select all or a portion of said reference materials [user may be prompted to select from a displayed list of alternatives, or citations, See Shanahan paragraph 0340, 0463 line 8-10];

if selected, formatting said all or a portion of said reference materials [synthesizing (converting) into format useful to the user; appropriate formatting; using the format of original document content, See Shanahan paragraph 0139; 0503; 0525]; and

entering said all or a portion of said reference materials into said active document [See Shanahan paragraph 0340, 0342, 0344].

Claim 27.

Shanahan discloses the elements of claim 25 as disclose and furthermore it discloses searching at least one database for said reference materials relating to said relevant keywords includes searching at least one of:

a local database associated with said computer device [local database, Shanahan paragraph 0450]; and

a remote database located in a network location external to said computer device [remote location, See Shanahan paragraph 0297, Fig 3].

Claim 28.

Shanahan discloses the elements of claim 25 as above and furthermore it discloses displaying said reference materials on said computer device includes:

intermittently flashing text of said reference materials on a computer screen of said computer device [Blinking, See Shanahan paragraph 0173].

Claim 29.

Shanahan discloses the elements of claim 25 as above and further it discloses displaying said reference materials on said computer device includes performing at least one of:

displaying images of said reference materials on a computer screen of said computer device in response to a user highlighting a term or section of text within said active document [when a text(s) are selected (highlighted) window a appears, See Shanahan paragraph 0579];

displaying images in a preview pane of said reference materials on a computer screen of said computer device in response to a user highlighting a term or section of text within said active document [when a text(s) are selected (highlighted) window a appears, See Shanahan paragraph 0579, Fig 64,65].

Claim 30.

Shanahan discloses the elements of claim 25 as above and further it discloses displaying text of said reference materials on a projector screen via a presentation application executing on said computer device, said displaying text of said reference materials on a project screen performed in response to a user selecting said reference materials for display [display screen, Shanahan paragraph 0189]; wherein said projector screen is in communication with said computer device [display screen of a device, Shanahan paragraph 0189, 0205].

Claim 31.

Claim 31 is essentially the same as claim 1 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 32.

Claim 32, which further dependence on Claim 31 is essentially the same as claim 11 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 33.

Claim 33, which further dependence on Claim 32 is essentially the same as claim 12 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 34.

Claim 34, which further dependence on Claim 32 is essentially the same as claim 13 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 35.

Claim 35, which further dependence on Claim 32 is essentially the same as claim 14 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 36.

Claim 36, which further dependence on Claim 32 is essentially the same as claim 15 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 37.

Claim 37, which further dependence on Claim 32 is essentially the same as claim 16 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 38.

Claim 38, which further dependence on Claim 32 is essentially the same as claim 17 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 39.

Claim 39, which further dependence on Claim 31 is essentially the same as claim 18 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 40.

Claim 40, which further dependence on Claim 39 is essentially the same as claim 19 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 41.

Claim 41, which further dependence on Claim 40 is essentially the same as claim 20 except that it recites "storage medium". It is rejected for the same reason

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(hereinabove)

Claim 42.

Claim 42, which further dependence on Claim 41 is essentially the same as claim 21 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 43.

Claim 43, which further dependence on Claim 42 is essentially the same as claim 22 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim 44.

Claim 44, which further dependence on Claim 31 is essentially the same as claim 23 except that it recites "storage medium". It is rejected for the same reason (hereinabove)

Claim Rejections - 35 USC § 103

6. . The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub No: 2003/0033288 to Shanahan et al (hereinafter Shanahan) in view of Pat No 6,192,381 to Stiegemeier et al (hereinafter Stiegemeier).

Claim 11.

Shanahan discloses the elements of claim 1 as above and further it discloses deploying process software for providing said web-based electronic research and presentation functions via a document creation application, said deploying comprising: installing said process software on at least one server [See Shanahan paragraph 0595, 0592]; identifying server addresses for users accessing said process software on said at least one server [server, address, See Shanahan paragraph 0217]; sending said process software to said at least one server and copying said process software to a file system of said at least one server [transmit (send), server, destination file, See Shanahan paragraph 0185, 0152]; sending the process software to at least a first client computer [transit, client, See Shanahan paragraph 0198]; and executing said process software on said first client computer [See Shanahan paragraph 0198].

Shanahan discloses the elements of Claim 11 as disclosed but it does not explicitly disclose "proxy" Stiegemeier discloses the claimed "proxy" which exists

between the Application and various document managers and services [See Stiegemeier Col 8 lines 13-28].

It would have been obvious to one of ordinary skill in the art to have combined the cited references because proxy as disclosed by Stiegemeier would have enabled Shanahan to display complex interrelated data in a manner that does not show its complexity.

Further more “proxy” would have served Shanahan to correct, validate, or enter additional information by retrieving it from another database on a network and thus allow the user to save a “draft document” so that corrections and validation can be made at a later date [Stiegemeier Col 2 lines 1-5, 16-25].

Claim 12.

The combination of Stiegemeier and Shanahan discloses the elements of claim 11 as above and further Stiegemeier discloses installing said process software further comprises:

determining if programs will reside on said at least one server when said process software is executed [compatibility, Stiegemeier Col 16 lines 23-26];

identifying said at least one server that will execute said process software [server, Stiegemeier Col 16 lines 23-27]; and

transferring said process software to storage for said at least one server [transfer, storage, server, Stiegemeier Col 16 lines 60-65] .

Claim 13.

The combination of Stiegemeier and Shanahan discloses the elements of claim 11 as above and further Stiegemeier discloses sending said process software to said first client computer further includes having said at least one server automatically copy said process software to said first client computer, and running an installation program at said first client computer to install said process software on said first client computer [automatically, server, generate, Stiegemeier Col 17 lines 3-7] .

Claim 14.

The combination of Stiegemeier and Shanahan discloses the elements of claim 11 as above and further Shanahan discloses sending said process software to said first client computer further comprises identifying a user and an address of said first client computer[user address, Shanahan paragraph 0226].

Claim 15.

The combination of Stiegemeier and Shanahan discloses the elements of claim 11 as above and further Shanahan discloses sending said process software to said first client computer includes sending said process software to at least one directory on said first client computer [directory, Shanahan paragraph 0225,0422].

Claim 16.

The combination of Stiegemeier and Shanahan discloses the elements of claim 11 as above and further Shanahan discloses sending said process software to said first client computer includes sending said process software to said first client computer via e-mail [via e-mail, Shanahan paragraph 0455].

8. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub No: 2003/0033288 to Shanahan et al (hereinafter Shanahan) and further in view of Pub No 2003/0033253 to Rhodes (hereinafter Rhodes).

Claim 19.

Shanahan discloses the elements of claim 18 as above but it does not explicitly indicate "usage measurements".

Rhodes discloses the claim "usage measurements" [tracking total usage, See Rhodes paragraph 0028 Fig 3, 4].

It would have been obvious to one of ordinary skill in the art to have combined the cited references because usage measurements as disclosed by Rhodes would have served Shanahan to control potential network congestion due to overload of service provider's network by the heavy users [Rhodes paragraph 0007].

Furthermore usage measurements as disclosed by Rhodes would enable Shanahan to model a usage analysis system and method for the subscriber by defining a threshold value. [Rhodes paragraph 0016].

Claim 20.

The combination of Shanahan and Rhodes disclose claim 19 and furthermore

Rhodes discloses:

summing said usage measurements [sum of usage, See Rhodes paragraph 0070 Fig 3, 4];

acquiring at least one multiplicative value associated with said usage measurements and with unit costs [unit of charge per megabyte, multiply, See Rhodes paragraph , 0048, 0065 Fig 3, 4]; and

recording any such acquired multiplicative value as an on demand charge to a requesting customer [charge, subscriber, Rhodes paragraph 0042].

Claim 21.

The combination of Shanahan and Rhodes disclose claim 20 and furthermore

Rhodes discloses:

and sending said on demand charge via e-mail to said requesting customer's e-mail address [electronic mail, Rhodes paragraph 0003].

Claim 22.

The method of claim 20, further comprising charging said on demand charge to said requesting customer's account if an account exists and if said requesting customer has selected a charge account payment method [subscriber, account, Rhodes paragraph 0069].

9. Claims 23,24,45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub No: 2003/0033288 to Shanahan et al (hereinafter Shanahan) and further in view of Pub No 2002/0065849 to Ferguson et al (hereinafter Ferguson).

Claim 23.

Shanahan discloses the elements of claim 1 as disclosed but it does not explicitly indicate "virtual private network". Ferguson discloses the claim invention [Ferguson paragraph 0043].

Ferguson It further discloses:

checking for remote access to said virtual private network when it is required [access remote database over the internet, Ferguson paragraph 0013];

if said remote access does not exist, identifying a third party provider to provide secure, encrypted connections between a private network and remote users [services by third party; encryption, network, Ferguson paragraph 0102, 0125];

identifying said remote users [the client may be required to authenticate its identity Ferguson paragraph 157]; and

setting up a network access server operable for downloading and installing client software on desktop computers for remote access of said virtual private network; accessing said process software [install, access ;virtual private network, Ferguson paragraph 0093, 0043];

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transporting said process software to at least one remote user's desktop computer [transport, Ferguson paragraph 0087]; and
executing said process software on said at least one remote user's desktop computer [supporting runtime code, desktop, network, Ferguson paragraph 0068].

It would have been obvious to one of ordinary skill in the art to have combined the cited references because "virtual private network" as disclosed by Ferguson would have enabled Shanahan to automatically update data brought into local view over the network as the remote content changes, which otherwise would have remained static. [Ferguson paragraph 0007].

Furthermore Ferguson's disclosure would enable more robust development platform allowing a developer or end user to quickly build and deploy applications that expose network functionality integrated with productivity application functionality [Ferguson paragraph 0010].

Claim 24.

The combination of Shanahan and Ferguson discloses the elements of claim 23 as disclosed and furthermore Ferguson discloses:
determining if said virtual private network has a site-to-site configuration for providing site-to-site access, and if said virtual private network is not so available, installing equipment required to establish a site-to-site configuration for said virtual private network [VPN, remote, site, Ferguson paragraph 0223, 0043];
installing large scale encryption into said site-to-site virtual private network; and

accessing said process software through said site-to-site configuration with large scale encryption [encrypt, install, Ferguson paragraph 0125, 0045].

Claim 45.

The combination of Shanahan and Ferguson discloses the elements of claim 23 as disclosed and furthermore Ferguson discloses:

determining if said virtual private network has a site-to-site configuration for providing site-to-site access, and if said virtual private network is not so available, installing equipment required to establish a site-to-site configuration for said virtual private network [VPN, remote, site, Ferguson paragraph 0223, 0043];

installing large scale encryption into said site-to-site virtual private network; and
accessing said process software through said site-to-site configuration with large-scale encryption [encrypt, install, Ferguson paragraph 0125, 0045];

wherein said accessing said process software includes at least one of:

dialing into said network access server; and

attaching directly via a modem into said network access server, said modem being selected from the group of modems consisting of telephone dial-up modems, cable modems, DSL modems and wireless modems [DSL, Cable modem, 0155 Ferguson paragraph 0155].

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emeka Ebirim whose telephone number is 571-272-3994. The examiner can normally be reached on 8:30pm - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBP.

Name: Emeka Ebirim
Art Unit: 2166


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER